

Fresno, California

October 3, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Andy Souza, City Manager
Bruce Rudd, Assistant City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Dave MacNeill of Student Ministries gave the invocation, and Councilmember Westerlund led the Pledge of Allegiance.

APPROVE MINUTES OF SEPTEMBER 26, 2006

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of September 26, 2006, approved as submitted.

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SPCA PET OF THE MONTH

The pet of the month available for adoption, a female Doxie puppy, was presented.

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COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DAGES - Encouragement to all to attend the Big Fresno Fair starting October 4th and thank you to staff for clean-up and preparation efforts.

COUNCILMEMBER CALHOUN - Report made, along with City Clerk Klisch, on Fresno County's Sesquicentennial Parade, and photos of the city of Fresno's float and participants were displayed.

COUNCILMEMBER WESTERLUND - Happy Birthday wishes extended to Fresno County on their 150 years and thank you extended to everyone who worked on, and participated in, the Sesquicentennial Parade.

ACTING PRESIDENT PEREA - Request staff provide status report on the Bankside Trail project including resolved and unresolved issues. Councilmember Boyajian later gave a brief update.

COUNCILMEMBER STERLING - Reports made on attendance at the Abraham Award event with the Islamic community last Friday night, the Saturday morning Breakfast with Mother Goose event at Roeding Park, the Nigerian delegation of Fresno event Saturday evening, and the Ghandi celebration ceremony at the FSU Peace Garden.

COUNCILMEMBER BOYAJIAN - Update given on the Bankside Trail Project.

PRESIDENT DUNCAN - Concern with the number of illegal/bootleg yard and company signs in the public right of way and request for informational memo from staff on the duties/schedule of the Code Enforcement staff person assigned to address this unresolved problem.

APPROVE AGENDA:

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

ADOPT CONSENT CALENDAR:

Gloria Torrez spoke in opposition to Item **1-E** stating the city's transportation money was being lost and taken away and expressed her concern.

Councilmember Calhoun pulled Item **1-I** and Councilmember Westerlund pulled Items **1-D** and **1-F** from the Consent Calendar for separate discussion and action.

Councilmember Westerlund and Acting President Perea registered "no" votes on Item **1-A**.

(1-A) RESOLUTION NO. 2006-449 - 444TH AMENDMENT TO MFS RES. 80-420 INCREASING THE GREEN FEES AT RIVERSIDE MUNICIPAL GOLF COURSE IN ACCORDANCE WITH THE EXISTING LEASE/MANAGEMENT AGREEMENTS, WITH THE CHANGES TO BECOME EFFECTIVE OCTOBER 4, 2006

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-449 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Duncan
Noes : Perea, Westerlund
Absent : None

(1-B) RESOLUTION NO. 2006-450 - 23RD AMENDMENT TO THE AAR APPROPRIATING \$25,000 RECEIVED FROM A LOWE'S CHARITABLE & EDUCATIONAL FOUNDATION GRANT TO ASSIST WITH THE REHABILITATION OF CAMP FRESNO

**(1-C) ACTIONS PERTAINING TO PARKING LOT ENHANCEMENTS AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT
1. AWARD A CONTRACT TO AMERICAN PAVING CO. IN THE AMOUNT OF \$364,341 FOR THE PROJECT**

2. RESOLUTION NO. 2006-451 - 24TH AMENDMENT TO THE AAR APPROPRIATING \$150,000 TO AWARD THE CONTRACT

(1-E) APPROVE A MEMORANDUM OF UNDERSTANDING WITH COG FOR PHASE TWO OF THE FRESNO-MADERA METROPOLITAN FREEWAY INTERCHANGE DEFICIENCY STUDY, AND AUTHORIZE THE CITY ENGINEER TO SIGN THE MOU ON BEHALF OF THE CITY

(1-G) RESOLUTION NO. 2006-452 - 25TH AMENDMENT TO THE AAR APPROPRIATING \$3,860,300 IN CONVENTION CENTER IMPROVEMENT BOND PROCEEDS TO PROVIDE FUNDS FOR THE COMPLETION OF THE PROJECT THAT WAS PREVIOUSLY APPROVED BY COUNCIL

(1-H) APPROVE AN AMENDMENT TO THE AGREEMENT WITH MBIA MUNISERVICES COMPANY TO ALLOW MBIA TO FINALIZE THE STATE OF CALIFORNIA ENTERPRISE ZONE APPLICATION FOR THE CITY

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

CONTESTED CONSENT CALENDAR:

(1-D) RESOLUTION NO. 2006-453 - CHANGING THE RATE AND METHOD OF APPORTIONING THE SPECIAL TAX AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX FOR CFD NO. 2, ANNEXATION NO. 128, FINAL TRACT NO. 5287, AND SETTING THE REQUIRED HEARING FOR NOVEMBER 14, 2006

Assistant Public Works Director Kirn responded to questions of Councilmember Westerlund relative to how often the parks will be serviced/maintained and how the tax is calculated.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-453 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

(1-F) AWARD A CONTRACT TO FLOYD JOHNSTON CONSTRUCTION CO., INC., IN THE AMOUNT OF \$1,258,104 FOR CONSTRUCTION OF A 36" SEWER MAIN IN MARKS AVENUE BETWEEN WHITESBRIDGE AND NEILSEN AVENUES

Councilmember Westerlund stated his concern was tearing up a major street that was not even five years old and elaborated, stated there should have been better planning and questioned if there was any alternative, and stated there was no asphalt management program in place and he would start opposing these matters. Councilmember Sterling stated she knew this project was coming forth and acknowledged this was a no-win situation and poor planning, and clarified there was no alternative and added she hoped staff would start planning better and made a motion to award as recommended. Councilmember Boyajian stated this happens all over the city, there was no plan for anything, his concern was once streets are torn up they are not repaired back to the same position, and a lot of money is spent tearing up streets and money is wasted, and stated he understood the frustration but would support this as it was necessary. Design Services Manager Krauter clarified issues and responded to Council's questions and comments throughout.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled contract hereby awarded as recommended, and the Public Works Director or designee authorized to execute the Agreements on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes : Westerlund
Absent : None

(1-I) APPROVE REVISED CONDITIONAL HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING COMMITMENT TO SADI, LLC, FOR CONSTRUCTION OF THE TANAGER SPRINGS AFFORDABLE RENTAL HOUSING DEVELOPMENT

Councilmember Calhoun clarified he was supportive of this but had concerns relative to renegotiating the subsidy, taking money from other programs, and setting a trend; stated there will never be enough money to have all the affordable housing desired; questioned how this happened, if this was a trend, if there was a way to improve the planning process, if general fund money would be used, and if there were any funding options besides the general fund; and spoke briefly to the need to budget appropriately, with HCD Manager Sigala, Assistant City Manager Rudd and Planning & Development Director Yovino responding throughout **(2 - 0)**. Councilmember Calhoun stated there was a surplus of funds currently and he hoped the Council budget committee would consider using those funds, and made a motion to approve.

Councilmembers Boyajian and Sterling spoke to the issue of affordable housing and elaborated on the purpose and work of the Housing Task Force and the 10 x 10 Committee. Noting an Agency item was coming up later Councilmember Calhoun stated another concern

he had was Council getting bits and pieces with the RDA charging off one way and the City another, and stated the 10 x 10 Committee's charge needed to be clearly laid out, he would be concerned if that committee was dealing with housing and he hoped they were not meddling in areas they should not be, and stated information was needed on what that committee was all about.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, the revised conditional Home Investment Partnerships (HOME) Program funding commitment to SADI, LLC from \$2.2 million to \$2.1 million hereby approved, with the revision including a reduction in the unit count from 104 to 80, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

Harley Turner spoke to upcoming Text Amendment TA-06-02 (Variety Pak 3) and expressed concerns relative to staff and the Variety Pak being hard to understand.

(9:15 A.M.) ADOPT RESOLUTIONS AND APPROVE NOTICE OF EXEMPTIONS AUTHORIZING ACCEPTANCE OF SAFE DRINKING WATER STATE REVOLVING FUND (SDWSRF) LOW INTEREST LOANS FROM THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES FOR INSTALLATION OF DISINFECTION FACILITIES AT 24 WELL SITES AND IMPLEMENTATION OF IMPROVEMENTS ALONG THE ENTERPRISE CANAL TO PROTECT SOURCE WATERS FROM POTENTIAL CONTAMINATING ACTIVITIES

1. ADOPT NOTICES OF EXEMPTION FOR SDWSRF LOAN APPLICATION NUMBERS 1010007-04 AND 1010007-011, PURSUANT TO CEQA

2. RESOLUTION NO. 2006-454 - AUTHORIZING THE PUBLIC UTILITIES DIRECTOR OR DESIGNEE TO (1) NEGOTIATE AND SIGN FUNDING AGREEMENTS AND AMENDMENTS FOR FUNDING UNDER SDWSRF, (2) APPROVE CLAIMS FOR REIMBURSEMENT, (3) EXECUTE BUDGET EXPENDITURE SUMMARIES, (4) SIGN CONTRACTOR'S RELEASE FORM AND THE CERTIFICATION OF PROJECT COMPLETION; AND (5) DEDICATE THE DEPARTMENT'S REVENUES FROM WATER USER RATES, FEES OR CHARGES AS THE DEDICATED SOURCE OF REVENUE TO REPAY SAID LOAN

3. RESOLUTION NO. 2006-455 - AUTHORIZING THE PUBLIC UTILITIES DIRECTOR OR DESIGNEE TO (1) NEGOTIATE AND SIGN FUNDING AGREEMENTS AND AMENDMENTS FOR FUNDING UNDER THE SDWSRF, (2) APPROVE CLAIMS FOR REIMBURSEMENT, (3) EXECUTE BUDGET EXPENDITURE SUMMARIES, (4) SIGN CONTRACTOR'S RELEASE FORM AND THE CERTIFICATION OF PROJECT COMPLETION, AND (5) DEDICATE THE DEPARTMENT'S REVENUES FROM USER WATER RATES, FEES OF CHARGES AS THE DEDICATED SOURCE OF REVENUE TO REPAY SAID LOAN

Assistant PUD Director Martin reviewed the issue, all as contained in the staff report as submitted, and responded to questions of Councilmember Boyajian relative to interest rates, what fees and revenues would be paid back, if the Utility Rate Commission was looking at this, if this was projected in the budget, and if the department director makes the decision on bonding or loans. A motion and second was made to approve staff's recommendation. President Duncan complimented staff on the issue stating this was a good business move.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Notices of Exemption for the applications hereby adopted, the above entitled Resolution Nos. 2006-454 and 2006-455 hereby adopted, and the Public Utilities Director or designee authorized to execute all necessary documents and agreements on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

1. CONSIDER AND ADOPT E.A. NO. R-05-103, DATED AUGUST 31, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-149 - ORDINANCE NO. 2006-148 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2-A TO R-1

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Bernal advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, **RESOLVED**, the above entitled E.A. hereby adopted, and the above entitled Bill No. B-149 adopted as Ordinance No. 2006-148, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

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RECESS - 9:47 A.M. - 10:00 A.M. Acting President Perea and Councilmember Sterling arrived later.

A visiting government class from Fresno High School was recognized and welcomed.

(9:50 A.M.) HEARING ON REZONE APPLICATION NO. R-06-35 AND ENVIRONMENTAL FINDINGS, FILED BY GENERATION HOMES, PROPERTY LOCATED ON THE EAST SIDE OF N. POLK BETWEEN W. SHIELDS AND W. CLINTON AVENUES (INCLUDES DETACHMENT OF PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY)

1. CONSIDER AND ADOPT E.A. NO. R-06-35/T-5567, DATED AUGUST 8, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-150 - ORDINANCE NO. 2006-149 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR TO R-1/UGM

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun advised the staff report as submitted was complete and there was no new information to add.

Robert Wood, 1368 E. Herndon, representing the applicant, thanked staff and spoke briefly to the project.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled E.A. hereby adopted, and the above entitled Bill No. B-150 adopted as Ordinance No. 2006-149, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Westerlund, Duncan
Noes	:	None
Absent	:	Perea, Sterling

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Acting President Perea and Councilmember Sterling arrived at 10:03 a.m.

(9:55 A.M.) HEARING ON REZONE APPLICATION NO. R-06-46 AND ENVIRONMENTAL FINDINGS, FILED BY GARY MASON ON BEHALF OF JOSEPH AND LILLIAN RAJSKUP, PROPERTY LOCATED ON THE NORTHEAST AND NORTHWEST CORNERS OF W. OLIVE AND N. CARNEGIE AVENUES IN AN UNINCORPORATED PORTION OF THE CITY

1. CONSIDER AND ADOPT E.A. NO. R-06-46/TPM-2006-34, DATED AUGUST 31, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-151 - ORDINANCE NO. 2006-150 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR TO R-1/UGM

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Bernal advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

Upon question of Councilmember Sterling, Mr. Bernal advised no issues or concerns had been expressed by the applicant or area residents.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled E.A. hereby adopted, and the above entitled Bill No. B-151 adopted as Ordinance No. 2006-150, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

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(10:00 A.M.) HEARING ON CFD NO. 11, ANNEXATION NO. 10, TRACT NO. 5614

1. RESOLUTION NO. 2006-456 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2006-457 - CALLING SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2006-458 - DECLARING ELECTION RESULTS

4. BILL NO. B-152 - ORDINANCE NO. 2006-151 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Assistant Public Works Director Kirn advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-456, 2006-457 and 2006-458 hereby adopted, and the above entitled Bill No. B-152 adopted as Ordinance No. 2006-151, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

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(10:05 A.M.) WORKSHOP ON THE FULTON MALL

President Duncan clarified this was a workshop only and no decision would be made or action taken this date, and also advised the in-depth report was just submitted to Council a few minutes ago and there would probably not be a lot of discussion or questions at this point until Council reviews it.

Assistant City Manager Ruiz gave an overview of the issue which included the process undertaken, meetings held, the working group and its purpose, and some of the highlights and ideas that came forth, all as contained in the report as submitted, and advised this had been a good, open process and staff was looking forward to Council's review and input in the future.

President Duncan opened the matter up to the public whereupon Councilmember Calhoun questioned why discussion was being called for when Council just received the report and had not even had an opportunity to review it and added he was disappointed the report was just delivered five minutes ago, apologized to those in the audience but stated he felt there was no value at all in a discussion until Council and the public reviews the report, and made a motion to lay the matter over two weeks at a time certain, which motion died due to lack of a second.

An unidentified audience member stated a tentative report was received which the Heritage Fresno group reviewed, thanked Mr. Ruiz and staff on a great job, and stated he would be back to provide input once Council reviews the report.

President Duncan acknowledged the final report was just received but stated a lot of work went into it and clarified he wanted to provide an opportunity to any member of the public who wanted to relay their thoughts or experiences so Council would also have that

information prior to review.

Upon call, no one else wished to be heard. Upon question of Councilmember Boyajian Mr. Ruiz clarified the purpose of scheduling the matter this date was to distribute the report, give a brief overview, and then schedule the matter in the future at Council's convenience for a much broader discussion. President Duncan stated Council looked forward to the upcoming process and appreciated the work of all those involved. There was no further discussion.

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RECESS - 10:21 A.M. - 10:31 A.M.

(10:30 A.M.) CONSIDER INITIATION OF A PLAN AMENDMENT TO THE BUTLER-WILLOW SPECIFIC PLAN, THE ROOSEVELT COMMUNITY PLAN, AND THE 2025 FRESNO GENERAL PLAN RELATIVE TO THE VEHICLE TRAFFIC DIVERTER AT THE INTERSECTION OF E. BUTLER AND S. PEACH AVENUES - COUNCILMEMBER DAGES

1. RESOLUTION NO. 2006-459 - INITIATING THE PLAN AMENDMENT APPLICATION

Planner Sanchez gave an overview of the issue, all as contained in the staff report as submitted. Councilmember Dages clarified adoption of this resolution would initiate studies to determine if removal of the diverter is warranted; **(3 - 0)** clarified this had not been an easy process for him but he felt the diverter had outlived its usefulness; stated the diverter was installed prior to numerous major development projects and elaborated; relative to the argument that the diverter was for "the safety of the children" stated he did not see how diverting traffic in front of and around Sunnyside High, Ayer Elementary, and into a neighborhood would provide for child safety; relative to the rumor that he wanted to widen Butler Avenue stated that was a falsehood and it was sad that a couple of people would create a lie like that; and reiterated the diverter was unsafe for Sunnyside and Ayer schools and the neighborhood and clarified if the traffic studies show that removal is not warranted the diverter would not be removed.

Speaking to the issue were: Sam Spradling, Spradling Construction, who read a letter into the record from Sherman Spradling, owner of 3 custom lots on Butler, opposing the removal of the diverter; Linda Fraley, Sunnyside property owner, opposed to the removal; Aram Garabedian, 1457 S. Helm, support for the removal; Johanna Braun, 5155 E. Balch, support for the removal; Sue Williams, Corresponding Secretary of the Sunnyside Property Owners' Association (SPOA), opposed to the removal and who spoke further to why the diverter was installed; Terry Carter, area homeowner, opposed to the removal and stated there was no guarantee Butler Avenue would not be widened; Karen Musson, 1771 S. Waverly, opposed to the removal and concern expressed that the resolution states "removal" of the diverter and not "consider, study or look at alternative measures"; Attorney Richard Harriman, 4321 N. West, representing the SPOA, who expressed concerns relative to level of environmental review, no clear breakdown on cost, and Councilmember Dages living too close to the project location and needing to recuse himself from voting; Clifford Davis, 5593 E. Geary, opposed to removal; Valerie Davis, 5410 E. Liberty; opposed to removal; Robert Bly, 1445 S. Minnewawa, opposed to removal; and Phoebe Wall Howard, President of the Fig Garden Homeowners' Association, who spoke to the importance of keeping promises, revising conditions if necessary, and obtaining input from parents and schools.

Upon question of Councilmember Dages, City Attorney Sanchez stated staff evaluated the issue of a potential conflict at Councilmember Dages' request and advised Councilmember Dages' residence was substantially beyond the 500 foot range so there was no conflict and he could participate, and relative to comments made on the process/resolution clarified at issue this date was Council simply considering the initiation of a process that would allow the diverter amendment to be considered with a final determination to be made at a public hearing at a later date. Councilmember Dages, Planning & Development Director Yovino and Assistant Traffic Engineering Manager Jones clarified issues relative to the Butler/Villa 4-way stop, Church Avenue extending to Clovis Avenue, cost for the removal, the Wasemiller project signal installations, cars exiting the IRS on Butler, there being nothing in the plans to widen Butler or remove trees, and the diverter at Butler and Armstrong. Councilmember Dages stated diverting more traffic to schools and neighborhoods was not the right thing to do and made a motion to adopt the resolution, which motion was seconded by President Duncan.

Mr. Yovino, Ms. Williams, Mr. Sanchez and Mr. Harriman responded to questions and/or comments of Councilmembers Boyajian and Westerlund relative to the promise made that the diverter would stay, why the diverter language was included in the plan **(4 - 0)**, this being a serious issue and a covenant to the people in the area, if other measures would be brought back for Council's consideration, if the covenant allowed for the development of the IRS, if the SPOA felt a covenant modification was a rebuff, if existing traffic reports were conducted with the diverter, if an actual covenant existed, if the diverter was considered in other projects, traffic diversion, covenants/conditions and assumption that a proper legal review from 1970 to the present will occur, if there were any legal restrictions made on this body, legality of promises made, if any, Mr. Harriman's objections, and if staff's responses/comments cleared up SPOA's issues/concerns.

President Duncan read into the record an e-mail from Mayor Autry to Councilmember Dages that Council received in which he stated he was supportive of initiating the necessary plan amendment due to the significant amount of growth in the area. President Duncan and

Councilmember Westerlund stated safety should be the primary issue looked at in the traffic study. Upon further question on the comment made on proper noticing Mr. Sanchez clarified the resolution contained the standard language used in the past in initiating plan amendments and was sufficient notice under the code.

On motion of Councilmember Dages, seconded by President Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2006-459 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	Boyajian
Absent	:	None

The City Council recessed at 11:46 a.m. and convened in joint session with the Redevelopment Agency.

(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF SEPTEMBER 19, 2006

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the Agency minutes of September 19, 2006, approved as submitted.

(“A”) CONSIDER ACTIONS RELATING TO THE PROPOSED CALIFORNIA TRIANGLE PROJECT BOUNDED BY KERN, WATERMAN AND CALIFORNIA STREETS WITHIN THE SOUTHWEST FRESNO GNRA URBAN RENEWAL PROJECT AREA

- 1. JOINT RESOLUTION NO. 2006-460/1684 - APPROVING A RELOCATION PLAN FOR THE PROJECT**
- 2. AGENCY RESOLUTION NO. 1685 - APPROVING A REPLACEMENT HOUSING PLAN FOR THE PROJECT**

Agency Consultant Bleth reviewed the issue, all as contained in the staff report as submitted, and recommended approval. Chair Sterling spoke in support of the issue and to her involvement and work in the interview process to insure that everyone would be accommodated.

Councilmember Calhoun stated he was trying to put this in context with what was being done in the area of low-cost or subsidized housing, stated he was seeing bits and pieces but no pattern and elaborated, noted the 10 x 10 Committee and the Agency were looking at something and questioned if the City was also, and stated it was time for Council to be presented with the broader picture on the activity taking place. City Manager Souza, Executive Director Murphey and Vice Chair Boyajian responded throughout and clarified issues. Councilmember Westerlund concurred there were a lot of programs and advised most were included in the budget and encouraged Councilmembers to get involved and speak with staff to see what is going on. Chair Sterling further clarified the 10 x10 Committee’s work was in addition to the Housing Task Force and spoke to the collaboration occurring and the importance of it.

On motion of President Duncan, seconded by Chair Sterling, duly carried, RESOLVED, the above entitled Joint Resolution No. 2006-460/1684 and Agency Resolution No. 1685 hereby adopted, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea, Westerlund, Sterling
Noes	:	None
Absent	:	None
Abstain	:	Calhoun

The joint bodies adjourned their meeting at 12:06 p.m. and the City Council reconvened in regular session.

LUNCH RECESS - 12:08 P.M. - 2:00 P.M.

(“A”) EXISTING LITIGATION - CASE NAMES:

1. LINDA MARTINO-VONDRACEK V. COF (WORKERS COMPENSATION)
2. RICHARD AARON JONES V. COF, ET AL.
3. JENNIE PECK V. COF (WORKERS COMPENSATION)
4. COF V. PINEDALE PUBLIC UTILITY DISTRICT

(“B”) DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: COF V. SALVADOR DIAZ, VICTORIA LARA, ROSALINDA OCELO AND HOWARD SIMS

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY - CONFERENCE WITH LEGAL COUNSEL:

(“C”) EXISTING LITIGATION: HERITAGE FRESNO, ET AL. V. REDEVELOPMENT AGENCY, ET AL.

(“D”) ANTICIPATED LITIGATION - REDEVELOPMENT AGENCY V. OLD ARMENIAN TOWN, LLC

The City Council met in regular and in joint closed session with the Agency in Room 2125 at the hour of 2:00 p.m. to consider the above matters and reconvened in open session at 4:18 p.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Sanchez announced in the matter of Item “C”, the Council voted 7-0 to authorize an appeal of the decision.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:19 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the ____17th____ day of ____October____, 2006.

_____/s/_____
Jerry Duncan, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk